

IN RE: PETITION FOR ZONING VARIANCES * BEFORE THE
W/S Ridge Road, 200 ft. south * DEPUTY ZONING COMMISSIONER
of center line of King Ave. *
4741-4745 Ridge Road * OF BALTIMORE COUNTY
Seifert's Florist *
14th Election District * Case No. 92-434-A
6th Councilmanic District *
Petitioner(s):
August J. and Elsie W. Seifert *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variances from Sections 102.2, 1B02.3.C.1 and Section V.B.2 of the Comprehensive Manual of Development Policy and Section 1B02.2B of the Baltimore County Zoning Regulations to permit a number of variances to legitimate an existing business, florist, greenhouse and residential operation as set out at the end hereof.

The proposed relief is very clearly shown on Petitioners' Exhibit 1, a plat by Paul Lee Engineering, Inc., dated March 17, 1992, offered in the course of the case.

The subject properties, known as 4741, 4743 and 4745 Ridge Road, are collectively known as the "Seifert's Florist Property." This property is located in the 6th Councilmanic District in the area north of Rossville Boulevard and west of I-95, between Ridge Road and Perry Hall Boulevard.

The Petitioners and legal owners, August J. Seifert and Elsie J. Seifert appeared at the hearing, and were represented by Newton A. Williams, Esquire. Mr. Paul Lee also appeared at

the hearing, and the Petitioners were represented by their children, namely, John Seifert, President of Seifert's Florist, the third generation in the business, and Mrs. Rose Pearson, a Seifert daughter, who resides on the property at 4745 Ridge Road. There were no protestants present.

The uncontradicted evidence and testimony presented at the Hearing was that the Petitioners own the subject property of approximately 8.74 acres, and that it includes the Seifert home at 4743 Ridge Road, the Pearson home at 4745 Ridge Road, and the Seifert Florist business known as 4741 Ridge Road.

The Seifert Property lies between Perry Hall Boulevard on the north, Ridge Road and Gum Spring Road on the southeast and other D.R.3.5 properties to the south.

According to testimony presented at the Hearing, the Seifert's have operated a florist and greenhouse operation on the property since 1900, and offered a series of photographs, Petitioners' Exhibit 2, showing the present improvements.

The origin and development of the property over the years was somewhat sketched in another series of photographs, collectively known as Petitioner's Exhibit 3 which was offered.

The property is presently in the CRG process, and according to Mr. Paul Lee, P.E., who testified, the object of the CRG process is to subdivide Lot 1, the 3.54 acres zoned D.R.3.5 to include the existing Rose Pearson residence, from a central commercial area known as Lot 2 of 3 acres (which includes 4743,

the Seifert dwelling, 4741 the existing florist shop, work area, garages, four greenhouses and an existing parking area and storage garage). Finally, Lot 3 of 1.14 acres, presently zoned D.R.3.5, is to be created at the tip formed by the junction of Perry Hall Boulevard and Ridge Road.

At the present time, according to the file, 1992 Map Request 6-45 is asking for commercial zoning recognition of Lots 2 and 3, and, of course, the outcome will not be known until the Council votes in October of 1992. In any case, this case concerns the requested variances, a part of the subdivision.

Mr. Lee and Mr. John Seifert testified that another Lot 2, a second division of the property was created for the Seifert ranch house at the southeast corner of the property in April of 1988, by Deed recorded among the Land Records at Liber 7831, folio 746, and this early subdivision requires a more formal CRG process for the remaining three lots.

It is evident to the Deputy Commissioner from the testimony presented at the Hearing, and from his own knowledge of the area, that the Seifert Florist complex is an attractive, well kept family business which has operated since 1900 for many years in this area.

It also appears that the florist shop at 4741 Ridge Road, the core of which was constructed prior to the institution of Zoning Regulations in 1945, cannot as a practical matter be

moved in order to obtain a greater setback from Ridge Road. However, although the plat, Petitioners' Exhibit 1 shows the corner of the existing florist shop to be only 8 feet off the highway widening line of Ridge Road, in fact, from the corner of the building to the existing edge of paving is on the order of 25 ft.

In like manner, the entire shop and greenhouses complex has developed over the years around the nucleus of the florist shop and work area, and it is not practical to move the greenhouses, storage buildings, existing garage and other buildings long existent on the site.

In the opinion of Deputy Commissioner it is not necessary to review in detail each of the numerous variances requested, but only to note that the purpose of these proceedings is to legitimate a long existent complex, and a complex which is well kept and a credit to the neighborhood.

Mr. Seifert testified that some 22 people are employed in the operation, many from the neighborhood, and that their five delivery trucks serve virtually the greater Baltimore, Baltimore County, Harford County and southern Anne Arundel County areas.

It is clear from the evidence presented that Lots 1, 2 and 3 cannot be created without the requested variances. Further, it should be noted that the creation of these three lots will not result in the construction of new buildings or dwellings,

but will merely legitimate the placement of the existing dwellings and buildings on the site.

An area variance or variances may be granted where strict application of the Zoning Regulations would cause practical difficulty to the Petitioners and their property. McLean v. Soley, 270 Md. 208(1973). To prove practical difficulty for area variances, the Petitioner's must meet the following:

1. Whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. Whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation then that applied for would give substantial relief;
3. Whether relief can be granted in such fashion that the spirit of the ordinance will be observed in public safety and welfare secured.

Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28.

From the testimony presented, it is clear that if the variances are granted, such existing uses, as long existent on the property, will not be contrary to the spirit of the Baltimore County Zoning Regulations, and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that a number of practical difficulties and unreasonable hardships would result if the variances were not to be granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structures which are the subject of the variances requested, and that the requirements from which the Petitioners seek relief will unduly restrict the existent use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not cause any injury to the public health, safety and general welfare. Further, granting of the variances will be in strict harmony with the spirit and intent of the Baltimore County Zoning Regulations. Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 31st day of August, 1992 that the following variances be and are hereby granted, subject however to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be

required to return any such permits granted, and be responsible for returning, said property to its original condition.

The variances hereby granted being the following from Sections 102.2, 1B02.3.C.1 and Section V.B.2 of the Comprehensive Manual of Development Policy and Section 1B02.2B of the Baltimore County Zoning Regulations, as follows:

1. Lot 3 (residential) to permit a front yard setback of 20 feet in lieu of the required 30 feet;
2. Lot 2 (existing nursery and residence) to permit an existing front yard setback (existing office) of 8 feet in lieu of required 50 feet, to permit a rear yard setback (existing barn) of 28 feet in lieu of required 30 feet, to permit a distance between buildings (existing office-rear yard 30 feet and existing garage-front yard 50 feet) of 20 feet in lieu of required 80 feet, to permit a distance between buildings (existing garage-side yard 20 feet and existing office-side yard 20 feet) of 15 feet in lieu of required 40 feet, to permit a distance between buildings (existing garage-front 50 feet and existing 2 1/2 story dwelling-rear yard 30 feet) of 52 feet in lieu of required 80 feet, to permit a distance between buildings (existing garage-rear yard 30 feet and existing greenhouse #1-front yard 50 feet) of 48 feet

in lieu of required 80 feet, to permit a distance between buildings (existing greenhouse #1-side yard 20 feet and existing greenhouse #2-side yard 20 feet) of 10 feet in lieu of required 40 feet, to permit a distance between buildings (existing greenhouse #2-side yard 20 feet and existing greenhouse #3-side yard 20 feet) of 34 feet in lieu of required 40 feet, to permit a distance between buildings (existing office greenhouse-rear yard 30 feet and existing greenhouse #3-front yard 50 feet) of 20 feet in lieu of required 80 feet; and to permit an accessory structure to be located in the front yard in lieu of the rear yard for existing shed on Lot #1.

Timothy M. Kotrocco
TIMOTHY M. KOTROCCO
Deputy Zoning Commissioner
for Baltimore County

1360C

Project Name _____ Waiver Number _____ Zoning Issue _____ Meeting Date _____

File Number _____ Phillip And Carol Faulkenkious 461 5-18-92

DED DEPRM RP STP TE _____ No Comments _____
August J. And Elsie W. Seifert

DED DEPRM RP STP TE _____ No Comments _____
Francis D. And Suzanne L. Bowie 465

DED DEPRM RP STP TE _____ No Comments _____
Robert H. And Joan M. Greene 466

DED DEPRM RP STP TE _____ No Comments _____
Joseph P. And Gloria G. Connors 467

DED DEPRM RP STP TE _____ No Comments _____
Kilmarnock Associates 468

DED DEPRM RP STP TE _____ No Comments _____
Automaster, Inc. 469

DED DEPRM RP STP TE _____ No Comments _____
Douglas And Marv Holschneider 470

DED DEPRM RP STP TE _____ No Comments _____
Reisterstown Bible Church 471

DED DEPRM RP STP TE _____ No Comments _____
Pikesville Partnership 472

DED DEPRM RP STP TE _____ No Comments _____
Baltimore Gas And Electric Company 473

DED DEPRM RP STP TE _____ No Comments _____
Charles R. Carroll 476

DED DEPRM RP STP TE _____ No Comments _____

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME
John A. Seifert
Rose M. Seifert
Morton A. Williams, Jr.

ADDRESS
7710 Cunningham Rd.
4745 Ridge Road
700 Court Towers, 21204



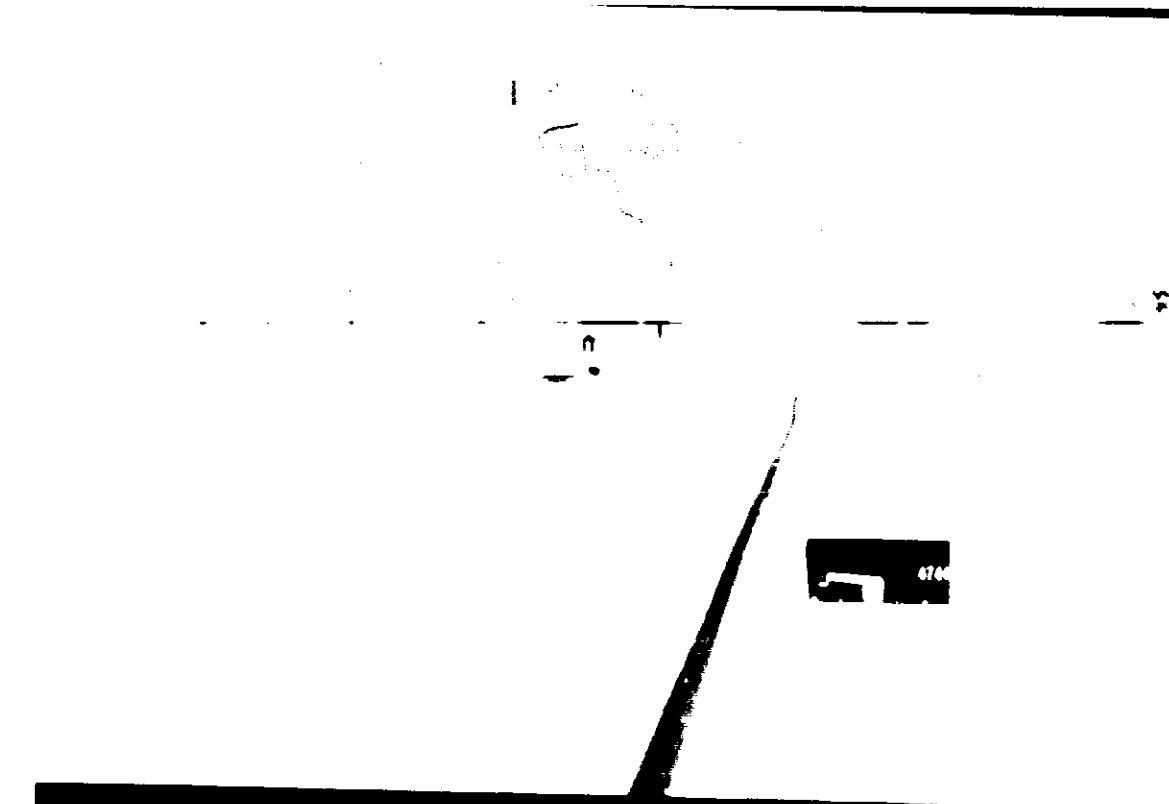
A. 4743 and 4741 Ridge Rd.



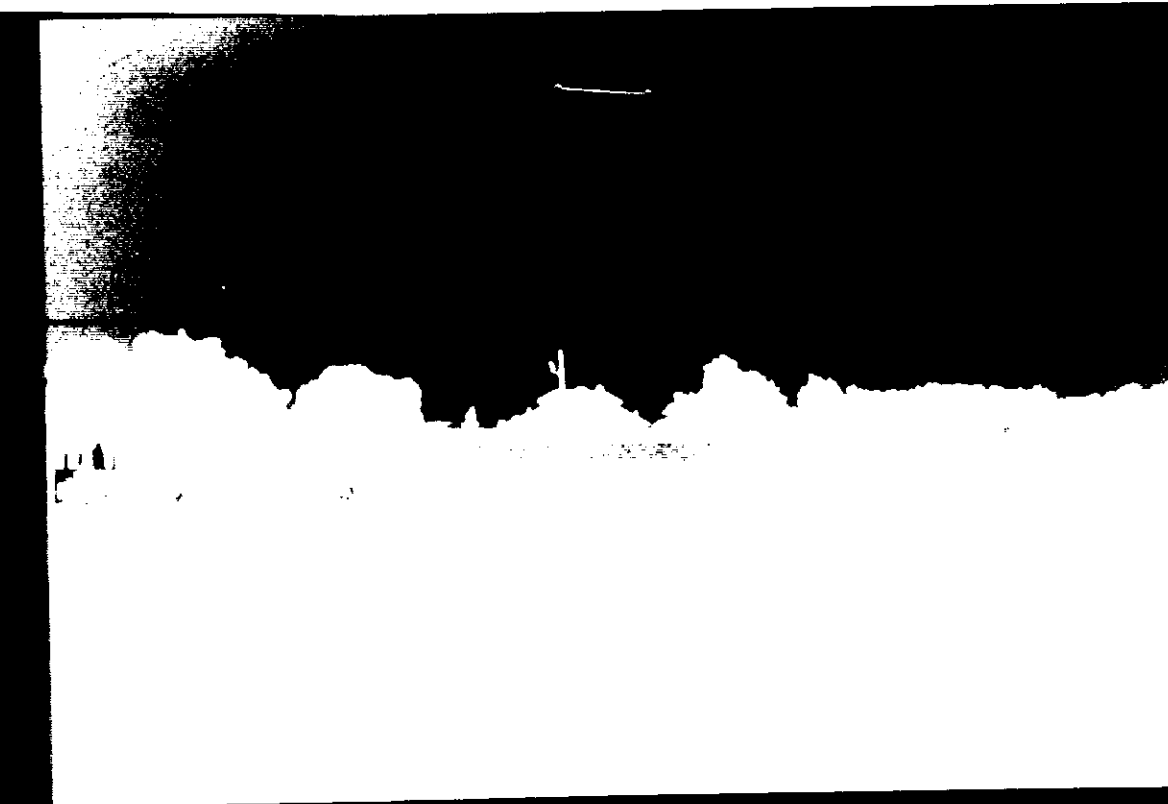
Seifert's Florist

B. Seifert's Retail Shop

Pet Ex #2



C. Looking N on Ridge Rd. at Florist Shop



D. Greenhouse looking S from Ridge Rd. and Ring Hill Blvd.



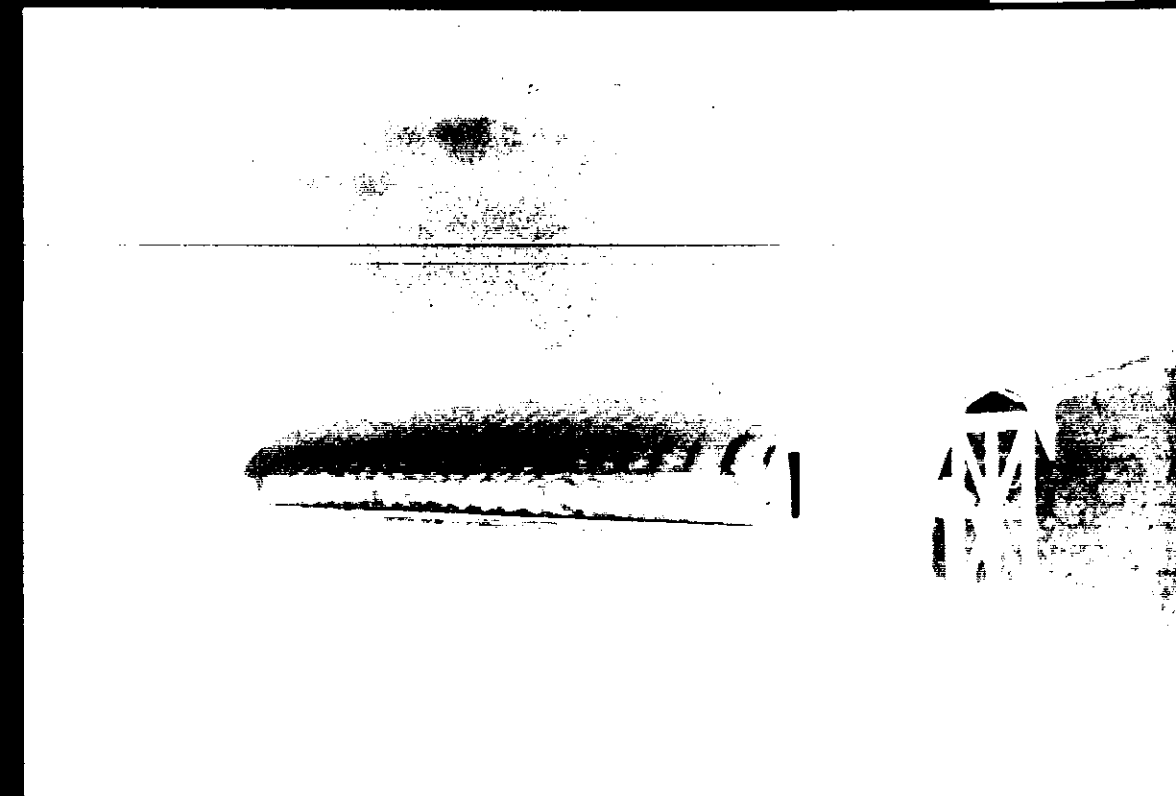
E. 4745 Ridge Rd. west 1



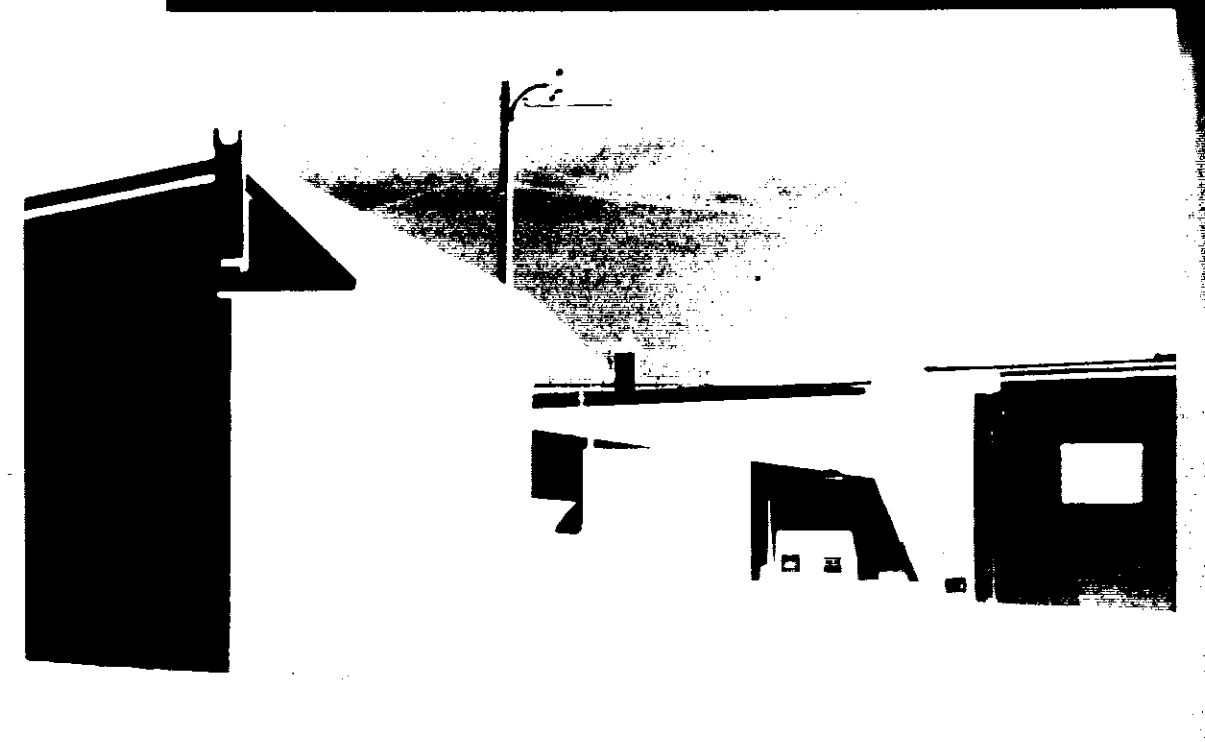
F. Rear of Seiferts from Pine Hill Blvd.



G. Parking lot to W of Seiferts



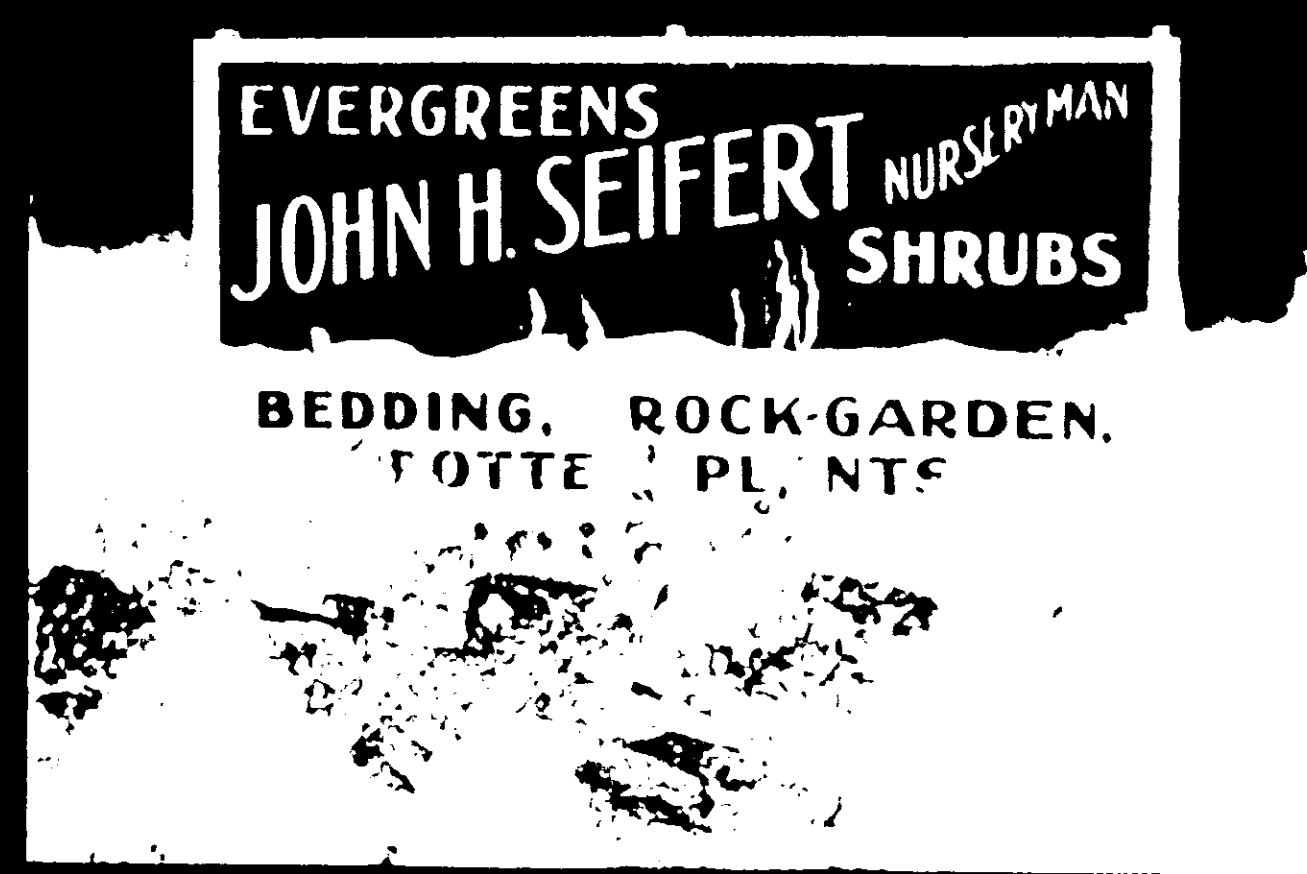
H. Typical Greenhouses.



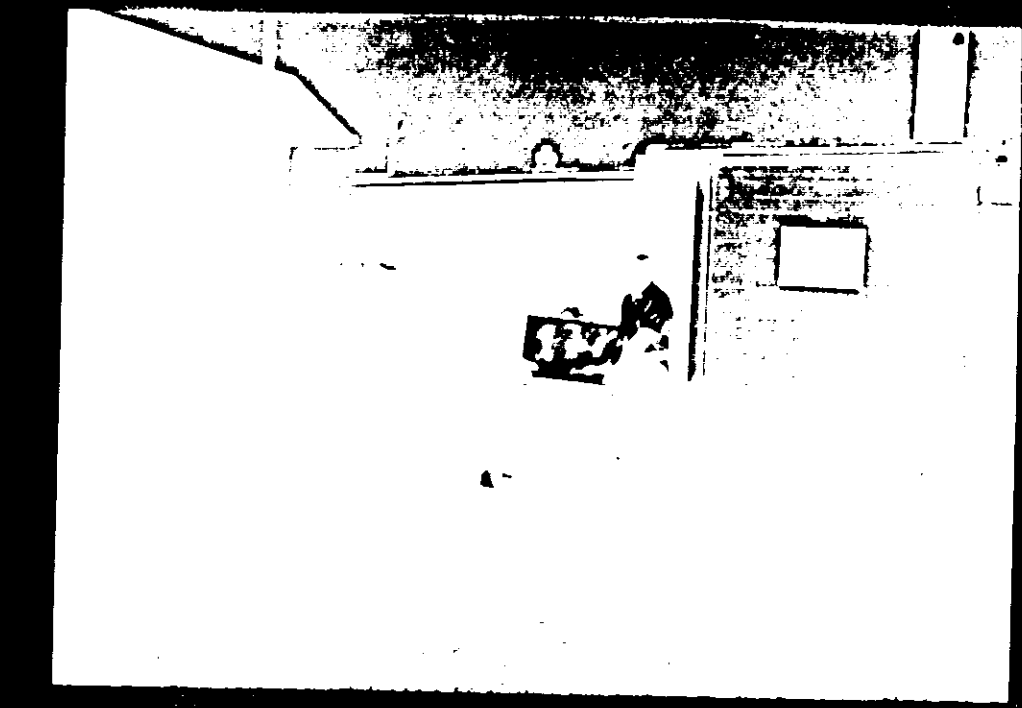
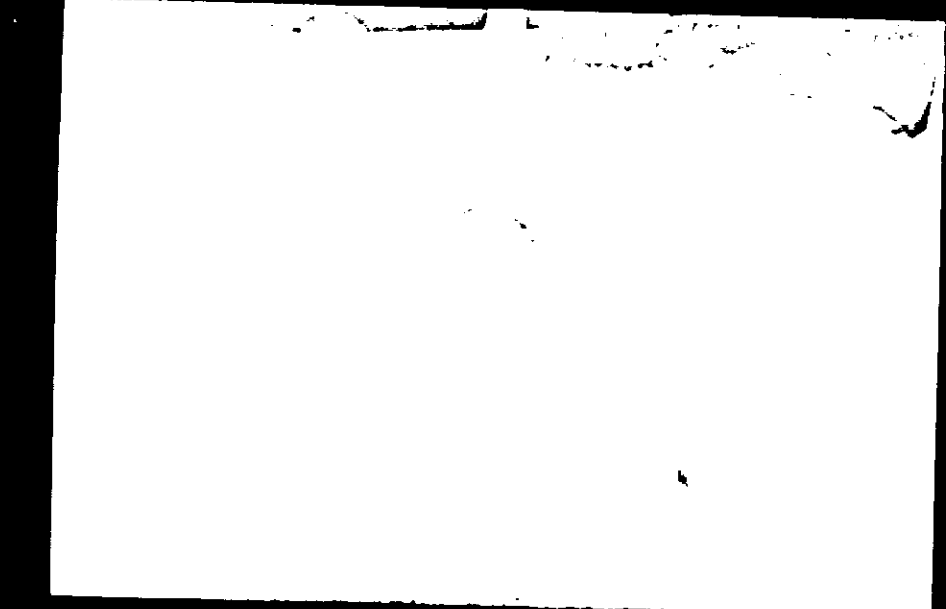
I. Houses in rear of Flourets Shop

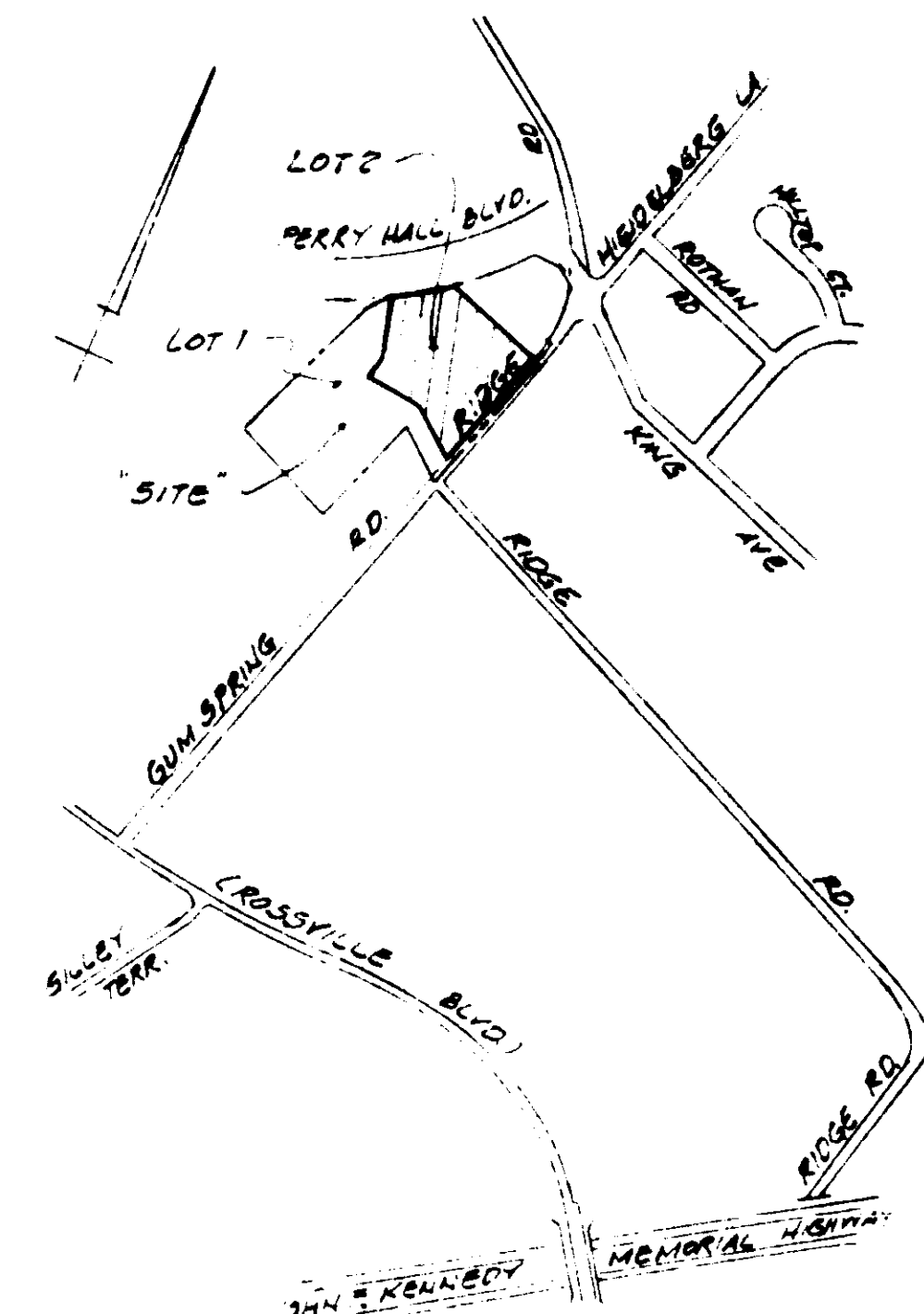
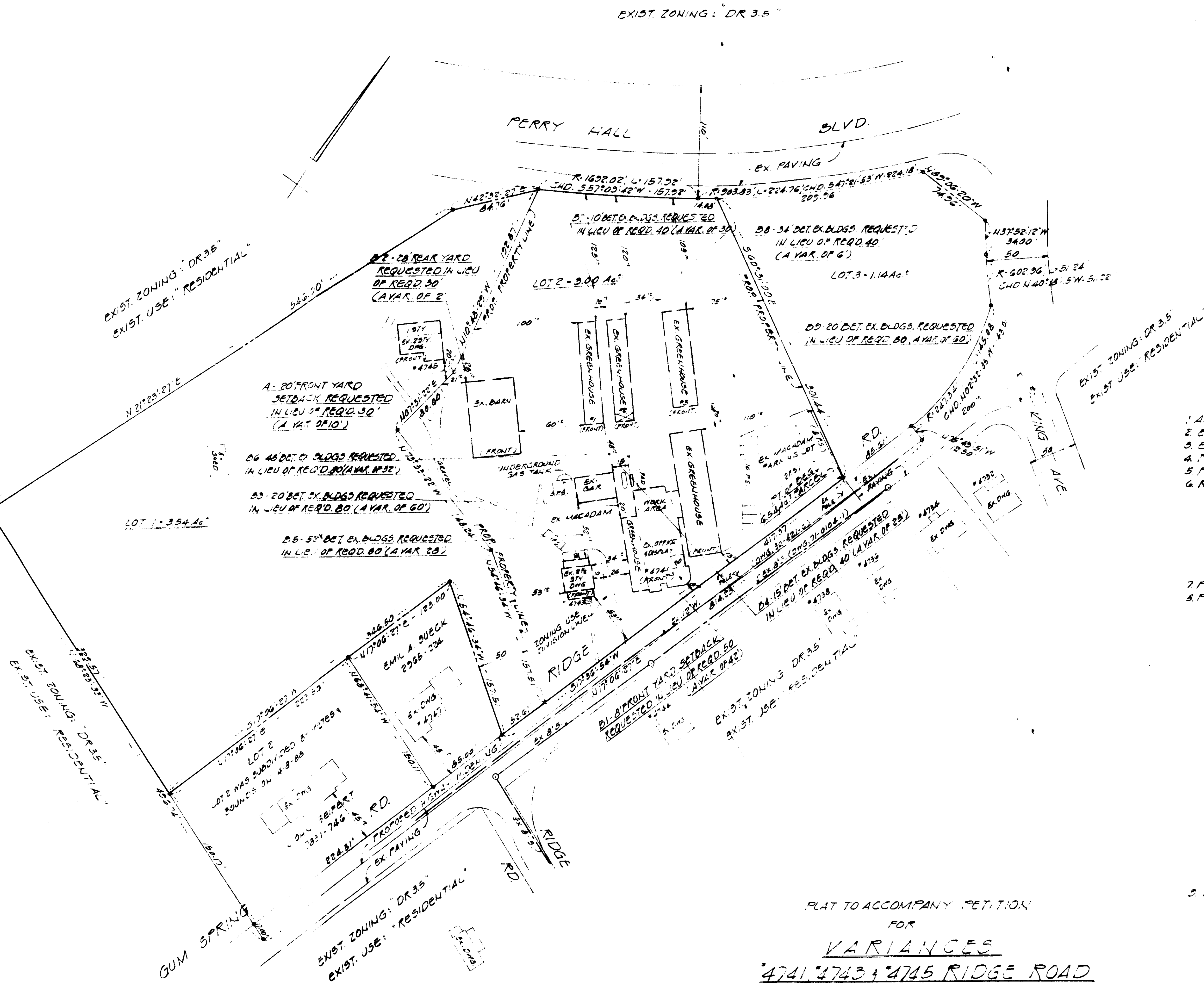


J. Storage Building (Rear)



Pet. #3





LOCATION PLAN
SCALE: 1"=500'

GENERAL NOTES

1. AREA OF PROPERTY = 8.74 Ac. (2.0 BA. GROSS)
2. EXISTING ZONING OF PROPERTY = DR 3.5
3. EXISTING USE OF PROPERTY = "FLORIST - RETAIL STORE, NURSERY & RESIDENTIAL"
4. PROPOSED ZONING OF PROPERTY = "DR 3.5"
5. PROPOSED USE OF PROPERTY = "FLORIST - RETAIL STORE, NURSERY & RESIDENTIAL"
6. REQUIRED OFF-STREET PARKING:

A. LOT 1 - "RESIDENTIAL", LOT 3 - "RESIDENTIAL"	= 2 P.S. / LOT
B. LOT 2 - "NURSERY" - "RESIDENTIAL" & P.S.	= 2 P.S.
S.F. RETAIL = 722.8 S.F. @ 5,000	= 0.51 P.S.
S.F. OFFICE = 162.8 S.F. @ 3,300	= 0.54 P.S.
S.F. BARN, GAR. & GREENHOUSE - BENEFITS/IMP.	= 8 P.S.
TOTAL P.S. REQUIRED (LOT 2)	= 14.1 = 15 P.S.
	= 24 P.S.
7. PROPERTY HAS PUBLIC SEWER AND WATER
8. PETITIONER REQUESTING VARIANCE TO SECTIONS 102.2, 102.3 & 102.4 OF THE DCR TO PERMIT THE FOLLOWING VARIANCES:
 - A. LOT 1 - "RESIDENTIAL" - TO PERMIT A FRONT YARD SETBACK OF 20' IN LIEU OF REQUIRED 30' (A VARIANCE OF 10')
 - B. LOT 2 - "EXISTING NURSERY AND RESIDENCE"
 - (1) TO PERMIT AN EXISTING FRONT YARD SETBACK (EX OFFICE) OF 8' IN LIEU OF REQUIRED 30' (A VARIANCE OF 22')
 - (2) TO PERMIT A REAR YARD SETBACK (EX BARN) OF 28' IN LIEU OF REQUIRED 30' (A VARIANCE OF 2')
 - (3) TO PERMIT A DISTANCE BETWEEN BUILDINGS (EX OFFICE - EX GAR. - EX 50') OF 20' IN LIEU OF REQUIRED 30' (A VARIANCE OF 10')
 - (4) TO PERMIT A DISTANCE BETWEEN BUILDINGS (EX GAR. - EX 50' - EX OFFICE - EX 20') OF 15' IN LIEU OF REQUIRED 40' (A VARIANCE OF 25')
 - (5) TO PERMIT A DISTANCE BETWEEN BUILDINGS (EX GAR. - EX 50' - EX EXIST. DRG. - EX 30') OF 52' IN LIEU OF REQUIRED 30' (A VARIANCE OF 22')
 - (6) TO PERMIT A DISTANCE BETWEEN BUILDINGS (EX GAR. - EX 30' - EX GREENHOUSE - EX 50') OF 48' IN LIEU OF REQUIRED 30' (A VARIANCE OF 18')
 - (7) TO PERMIT A DISTANCE BETWEEN BUILDINGS (EX GREENHOUSE - EX 50' - EX GREENHOUSE - EX 20') OF 10' IN LIEU OF REQUIRED 40' (A VARIANCE OF 30')
 - (8) TO PERMIT A DISTANCE BETWEEN BUILDINGS (EX GREENHOUSE - EX 20' - EX GREENHOUSE - EX 30') OF 34' IN LIEU OF REQUIRED 40' (A VARIANCE OF 6')
 - (9) TO PERMIT A DISTANCE BETWEEN BUILDINGS (EX OFFICE GREENHOUSE - EX 30' - EX GREENHOUSE - EX 30') OF 20' IN LIEU OF REQUIRED 30' (A VARIANCE OF 10')
9. PETITIONER REQUESTING A VARIANCE TO SECTION 400.1 OF THE DCR TO PERMIT AN ACCESSORY STRUCTURE TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE REAR YARD FOR EX 50' ON LOT 1.

PLAN TO ACCOMPANY PETITION
FOR

VARIANCES

4741, 4743 & 4745 RIDGE ROAD
ELECT. DIST. 1406 BALTIMORE COUNTY, MD.
SCALE: 1"=50' MAR. 17, 1992

92-434-A⁴⁶⁴

PAUL LEE ENGINEERING, INC.
304 N. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204





4934 Bucks Schoolhouse Road
Baltimore, Maryland 21237

October 13, 1994

Mr. Arnold Jablon
Director IAM
County Office Building
Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Jablon:

Please review the following plat plan for a "greenhouse" extension outlined in red. This new addition totals 2160 square feet and has minor impact on the existing property. Variances on this property were granted under case / 97-434-A. I seek approval for this addition as being within the spirit and intent of this existing variance. The existing plat is modified and labeled. Therefore, I would like approval without another hearing process.

Speed
Letter

In the interest of speed and economy, we are sending to you this letter with no other action. If you need more information, please contact us at 410-326-7000.



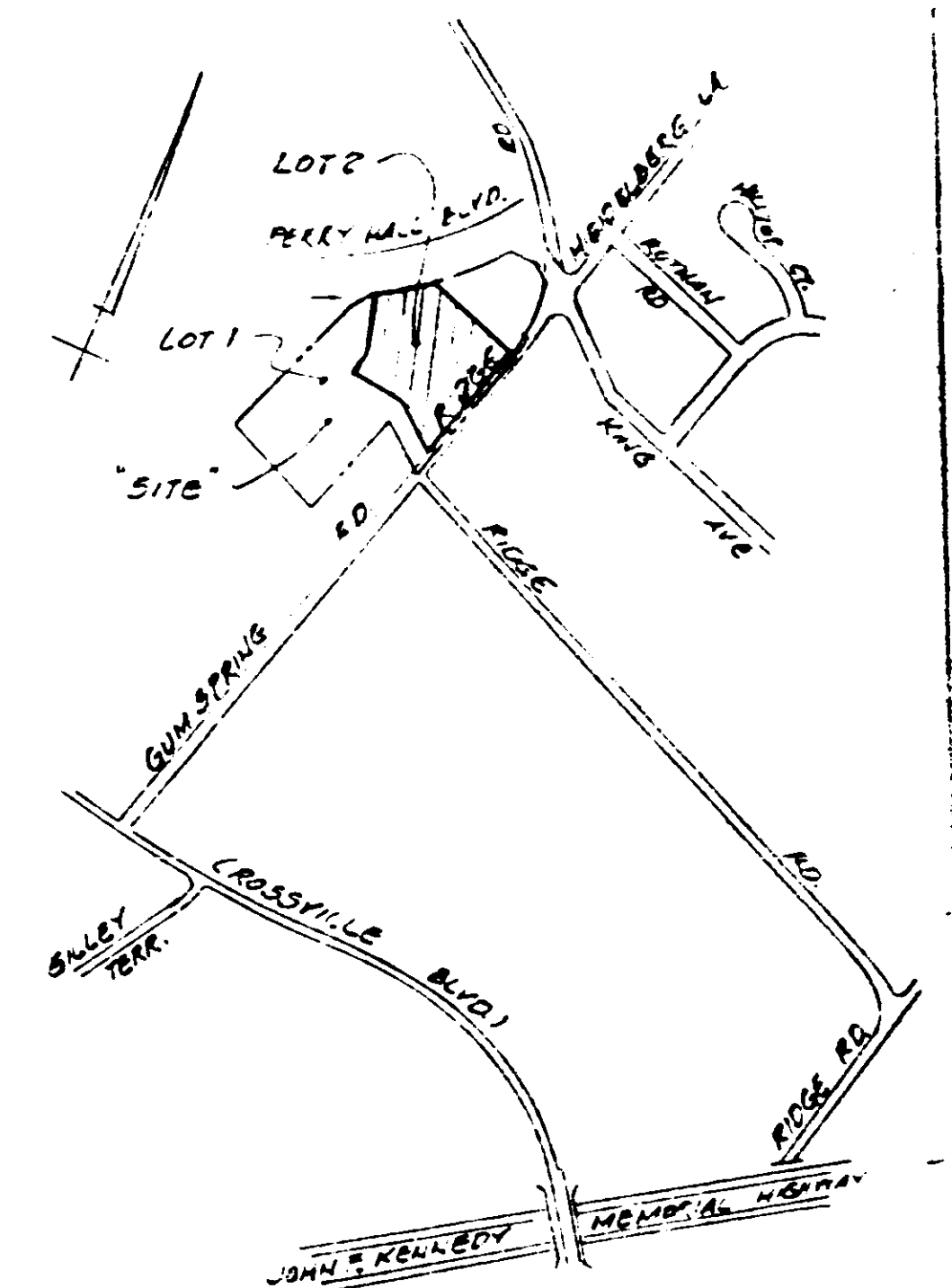
Sincerely,

[Signature]
Direct: J. Skenrode

October 19, 1994

This office has reviewed your request for a 2,160 square foot addition. It is this office's opinion that the 19 x 155 addition is within the spirit of the variance granted. Please keep this letter for your records.

[Signature]
Catherine A. Milton
Planner I



92-434-A⁴⁶⁴

Pet Ex #11 POLYMER ENGINEERING, INC
 304 W. PERRYMAN AVENUE
 TOWSON, MARYLAND 21204



Newton A. Williams, Esquire
Nolan, Plumbhoff & Williams
210 West Pennsylvania Avenue, Suite 700
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
W/S Ridge Road, 200' S of the c/l of King Avenue
(4741-4745 Ridge Road)
14th Election District - 6th Councilmanic District
August J. Seifert, et ux - Petitioners
Case No. 92-434-A

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,
Timothy M. Koyroco
TIMOTHY M. KOYROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs
cc: People's Counsel
File

92-434-A 464

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4741 to 4745 Ridge Road
which is presently zoned D.R.3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Baltimore County 102.2, 1802.3.C.1 and 1802.2B of the Baltimore County Zoning Regulations and Comprehensive Manual of Development Policies, Section V.B.2, to permit the following variances: (See attached list).

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or special circumstances)

1. The subject property comprises a florist shop, greenhouse complex, and residential complex, all built prior to the existing Regulations.
2. The subject property is a neat, orderly attractive complex, which sits well into its area.
3. It would be impractical to tear down or move existing buildings to meet the regulations.

Property is to be posted and advertised as prescribed by Zoning Regulations. The regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

4. The requested variances will not harm the health, safety and welfare of the area involved, and are in harmony with the spirit and intent of the regulations.

ORDER RECEIVED FOR FILING
Date: 8/31/92
By: [Signature]

Newton A. Williams, Esquire
210 W. Pennsylvania Ave. 823-7800
Towson, Maryland 21204

August J. Seifert
Elsie W. Seifert
4745 Ridge Road 665-1560
Baltimore, Maryland 21236

Newton A. Williams, Esquire
210 W. Pennsylvania Ave. 823-7800
Towson, Md. 21204

PETITIONER REQUESTING VARIANCE TO SECTIONS 102.2, 1802.3.C.1 & 1802.2B OF THE DCZR TO PERMIT THE FOLLOWING VARIANCES:

- A. LOT 1 - "RESIDENTIAL": TO PERMIT A FRONT YARD SETBACK OF 20' IN LIEU OF REQUIRED 30' (A VARIANCE OF 10')
- B. LOT 2 - "EXISTING NURSERY AND RESIDENCE": TO PERMIT AN EXISTING FRONT YARD SETBACK (EX. OFFICE) OF 8' IN LIEU OF REQUIRED 50' (A VARIANCE OF 42')
2. TO PERMIT A REAR YARD SETBACK (EX. BARN) OF 28' IN LIEU OF REQUIRED 30' (A VARIANCE OF 2').
3. TO PERMIT A DISTANCE BETWEEN BUILDINGS (EX. OFFICE-RY. 30' & EX. GAR-RY. 50') OF 20' IN LIEU OF REQUIRED 80' (A VARIANCE OF 60').
4. TO PERMIT A DISTANCE BETWEEN BUILDINGS (EX. GAR-RY. 30' & EX. OFFICE-RY. 20') OF 15' IN LIEU OF REQUIRED 40' (A VARIANCE OF 25').
5. TO PERMIT A DISTANCE BETWEEN BUILDINGS (EX. GAR-RY. 50' & EX. 8 1/2 STY. DWG.-RY. 30') OF 52' IN LIEU OF REQUIRED 80' (A VARIANCE OF 28').
6. TO PERMIT A DISTANCE BETWEEN BUILDINGS (EX. GAR-RY. 30' & EX. GREENHOUSE-RY. 50') OF 48' IN LIEU OF REQUIRED 80' (A VARIANCE OF 32').
7. TO PERMIT A DISTANCE BETWEEN BUILDINGS (EX. OFFICE GREENHOUSE-RY. 30' & EX. GREENHOUSE-RY. 50') OF 10' IN LIEU OF REQUIRED 40' (A VARIANCE OF 30').
8. TO PERMIT A DISTANCE BETWEEN BUILDINGS (EX. GREENHOUSE-RY. 30' & EX. GREENHOUSE-RY. 50') OF 34' IN LIEU OF REQUIRED 40' (A VARIANCE OF 6').
9. TO PERMIT A DISTANCE BETWEEN BUILDINGS (EX. OFFICE GREENHOUSE-RY. 30' & EX. GREENHOUSE-RY. 50') OF 20' IN LIEU OF REQUIRED 80' (A VARIANCE OF 60').

PETITIONER REQUESTING A VARIANCE TO SECTION 400.1 OF THE DCZR TO PERMIT AN ACCESSORY STRUCTURE TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE REAR YARD FOR EX. SHED ON LOT 1.

Paul Lee P.E. 464

Paul Lee Engineering Inc.
301 W. Pennsylvania Ave.
Towson, Maryland 21204
410-281-5341

92-434-A

DESCRIPTION

4741, 4743, & 4745 RIDGE ROAD
ELECTION DISTRICT 1406
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the west side of Ridge Road, said point also being located S 17°06'27" E 200 feet ± from the center of King Avenue; thence binding on said west side of Ridge Road (1) S 17°36'54" W 417.37 feet; thence leaving said west side of Ridge Road (2) N 54°46'34" W 157.51 feet; thence (3) S 17°06'27" W 346.50 feet; thence (4) N 68°23'33" W 329.57 feet; thence (5) N 21°23'27" E 546.00 feet; thence (6) N 42°32'27" E 84.76 feet to the south side of Perry Hall Boulevard; thence binding on the south side of Perry Hall Boulevard the two following courses and distances: (7) by a curve to the left R=1692.02 feet, L=157.92 feet, and (8) by a curve to the left R=903.83 feet, L=14.08 feet; thence leaving said south side of Ridge Road and running for a line of division (9) S 60°31'00" E 301.44 feet to the point of beginning.

Consisting of proposed lots 1 and 2 and containing a total of 6.54 acres ±.

Engineers - Lawyers - Site Planners 3/13/92

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1406 Date of Posting: 8/22/92

Posted for: Variance

Petitioner: August J. Seifert

Location of property: W/S Ridge Rd., 200' S of King Ave.

Location of Sign: Ridge Rd. on property, being 200' S of Variance

Remarks:

Posted by: [Signature] Date of return: 8/22/92

Number of Signs: 2

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

92-434-A

Account: R-001-6150
Number

PAID PER HAND-WRITTEN RECEIPT DATED 5/8/92

5/12/92	H9200464
PUBLIC HEARING FEES	QTY PRICE
020 - ZONING VARIANCE (OTHER)	1 X \$250.00
LAST NAME OF OWNER: SEIFERT	TOTAL: \$250.00

Please Make Checks Payable To: Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 5/8/92 ACCOUNT: R-001-6150

AMOUNT: \$ 250.00

RECEIVED FROM: August J. Seifert

FOR: Commercial Variance Filing Fee

VALIDATION ON SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

92-434

Account: R-001-6150
Number

6/18/92 H9200614

PUBLIC HEARING FEES	QTY PRICE
020 - POSTING SIGNS / ADVERTISING	1 X \$159.46
LAST NAME OF OWNER: SEIFERT	TOTAL: \$159.46

Please Make Checks Payable To: Baltimore County

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning and Planning Department, has ordered a public hearing on the proposed Variance from Baltimore County 102.2, 1802.3.C.1 and 1802.2B of the Baltimore County Zoning Regulations and Comprehensive Manual of Development Policies, Section V.B.2, to permit the following variances: (See attached list).

Case Number: 92-434-A
W/S Ridge Road, 200' S of c/l of King Avenue
14th Election District - 6th Councilmanic District
August J. Seifert, et ux - Petitioners
Case No. 92-434-A

Variance for Lot #1: To permit a front yard setback of 20 feet in lieu of the required 30 feet; to permit a rear yard setback of 28 feet in lieu of the required 30 feet; to permit a distance between buildings of 20 feet in lieu of the required 80 feet; to permit a distance between buildings of 15 feet in lieu of the required 40 feet; to permit a distance between buildings of 52 feet in lieu of the required 80 feet; to permit a distance between buildings of 48 feet in lieu of the required 80 feet; to permit a distance between buildings of 10 feet in lieu of the required 40 feet; to permit a distance between buildings of 34 feet in lieu of the required 40 feet; to permit a distance between buildings of 20 feet in lieu of the required 80 feet.

Variance for Lot #2: To permit an existing front yard setback of 8 feet in lieu of the required 50 feet; to permit a rear yard setback of 28 feet in lieu of the required 30 feet; to permit a distance between buildings of 28 feet in lieu of the required 30 feet; to permit a distance between buildings of 20 feet in lieu of the required 80 feet; to permit a distance between buildings of 15 feet in lieu of the required 40 feet; to permit a distance between buildings of 52 feet in lieu of the required 80 feet; to permit a distance between buildings of 48 feet in lieu of the required 80 feet; to permit a distance between buildings of 10 feet in lieu of the required 40 feet; to permit a distance between buildings of 34 feet in lieu of the required 40 feet; to permit a distance between buildings of 20 feet in lieu of the required 80 feet.

Lawrence E. Schmidt, Zoning Commissioner

NOTE: HEARINGS ARE HELD ON WEDNESDAY AFTERNOONS AT 2:00 PM. FOR MORE INFORMATION, PLEASE CALL 887-3351.

8/17 May 28

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 6/18/92

August and Elsie Seifert
4745 Ridge Road
Baltimore, Maryland 21236

RE:
CASE NUMBER: 92-434-A
W/S Ridge Road, 200' S of c/l of King Avenue
14th Election District - 6th Councilmanic District
Petitioner(s): August J. and Elsie W. Seifert

Dear Petitioner(s):

Please be advised that \$159.46 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE HEARING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING ON THE ORDER SHALL BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Arnold Jankov
DIRECTOR

Project Name _____ Waiver Number _____ Zoning Issue _____ Meeting Date _____

File Number _____ Phillip And Carol Faulkenkious 461 5-18-92

DED DEPRM RP STP TE _____ No Comments _____
August J. And Elsie W. Seifert

DED DEPRM RP STP TE _____ No Comments _____
Francis D. And Suzanne L. Bowie 465

DED DEPRM RP STP TE _____ No Comments _____
Robert H. And Joan M. Greene 466

DED DEPRM RP STP TE _____ No Comments _____
Joseph P. And Gloria G. Connors 467

DED DEPRM RP STP TE _____ No Comments _____
Kilmarnock Associates 468

DED DEPRM RP STP TE _____ No Comments _____
Automaster, Inc. 469

DED DEPRM RP STP TE _____ No Comments _____
Douglas And Marv Holschneider 470

DED DEPRM RP STP TE _____ No Comments _____
Reisterstown Bible Church 471

DED DEPRM RP STP TE _____ No Comments _____
Pikesville Partnership 472

DED DEPRM RP STP TE _____ No Comments _____
Baltimore Gas And Electric Company 473

DED DEPRM RP STP TE _____ No Comments _____
Charles R. Carroll 476

DED DEPRM RP STP TE _____ No Comments _____

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME
John A. Seifert
Rose M. Seifert
Morton A. Williams, Jr.

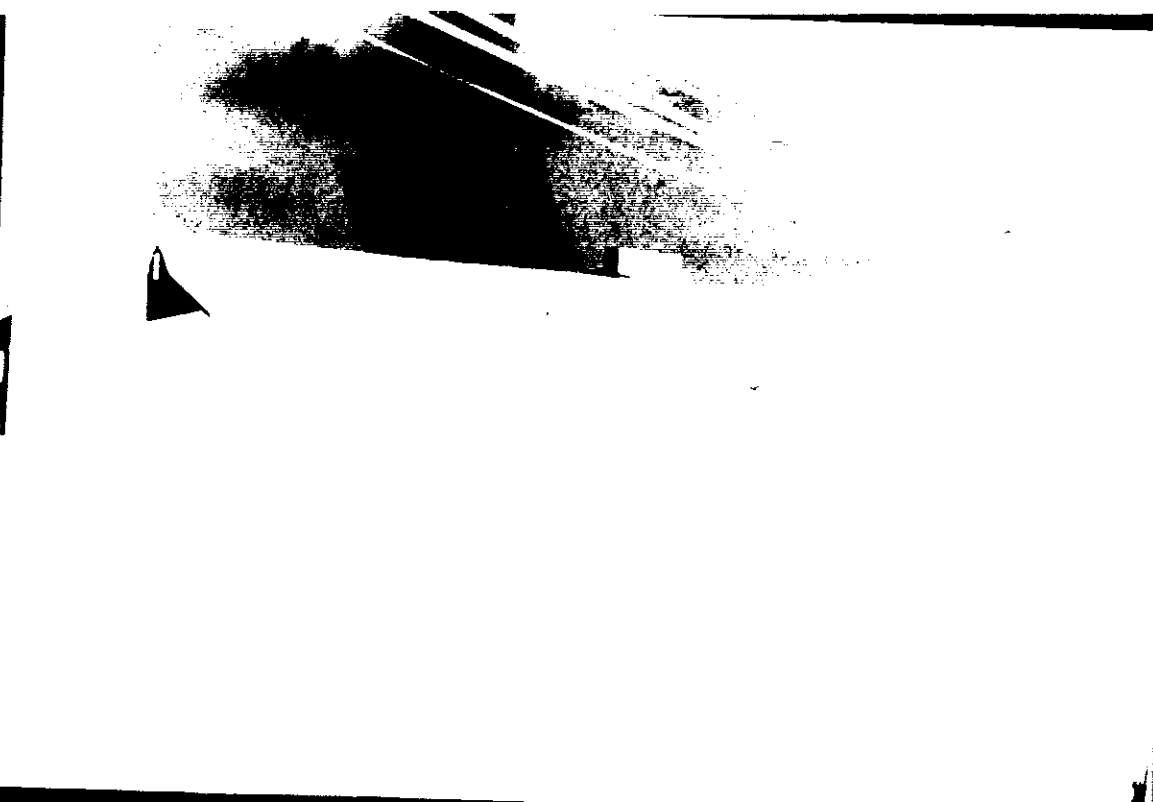
ADDRESS
7710 Cunningham Rd.
4745 Ridge Road
700 Court Towers, 21204



A. 4743 and 4741 Ridge Rd.

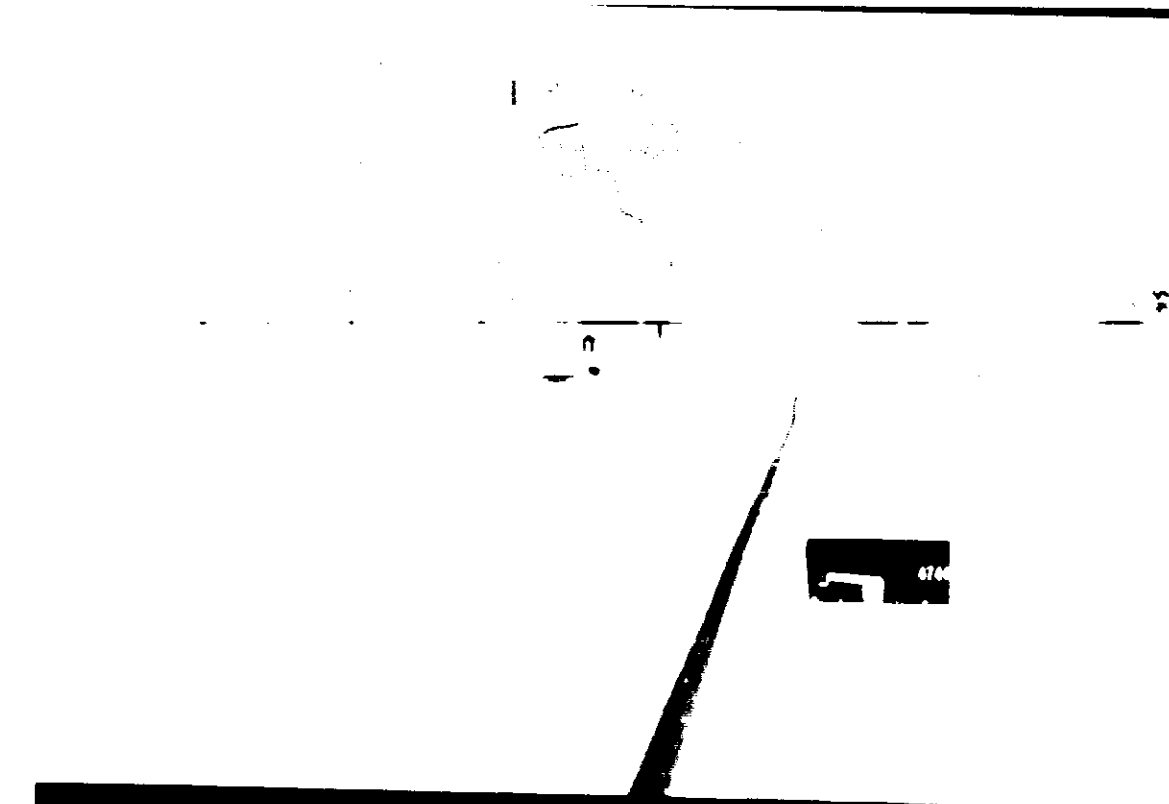


Seifert's Florist

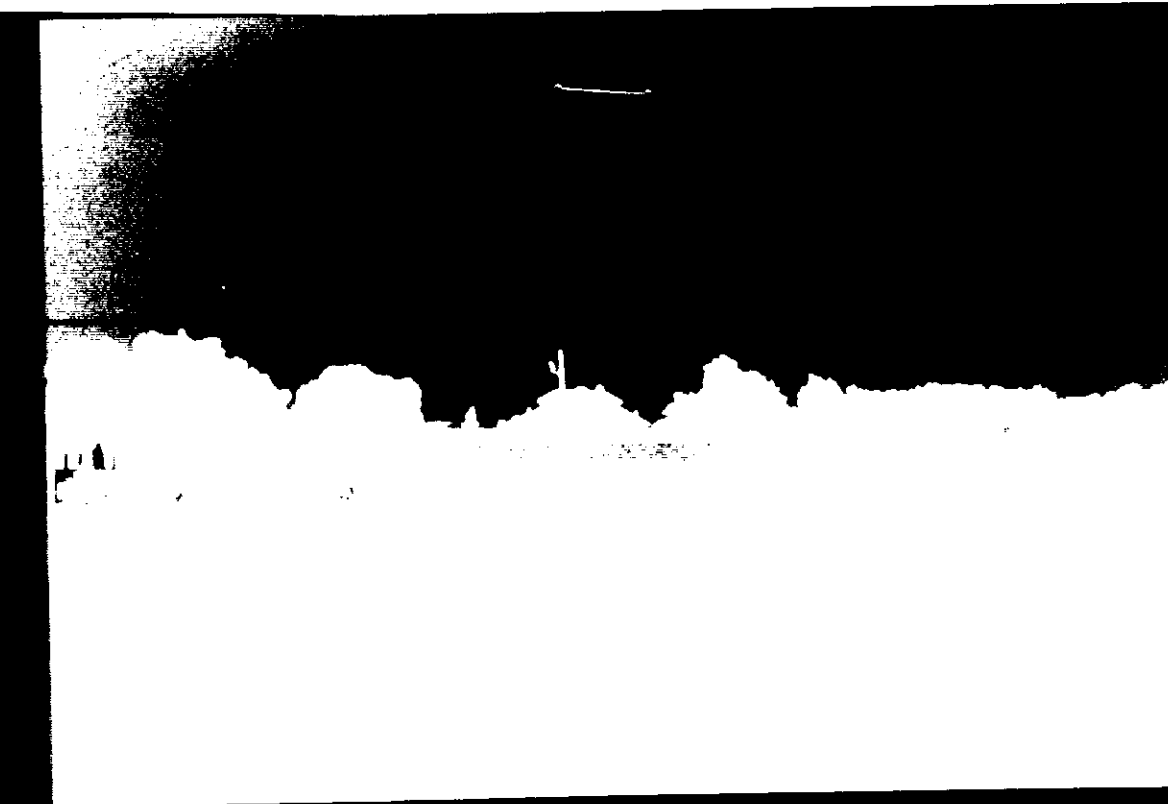


Seifert's Retail Shop

Pet Ex #2



C. Looking N on Ridge Rd. at Florist Shop



D. Looking S from Ridge Rd. and Perry Hall Blvd.



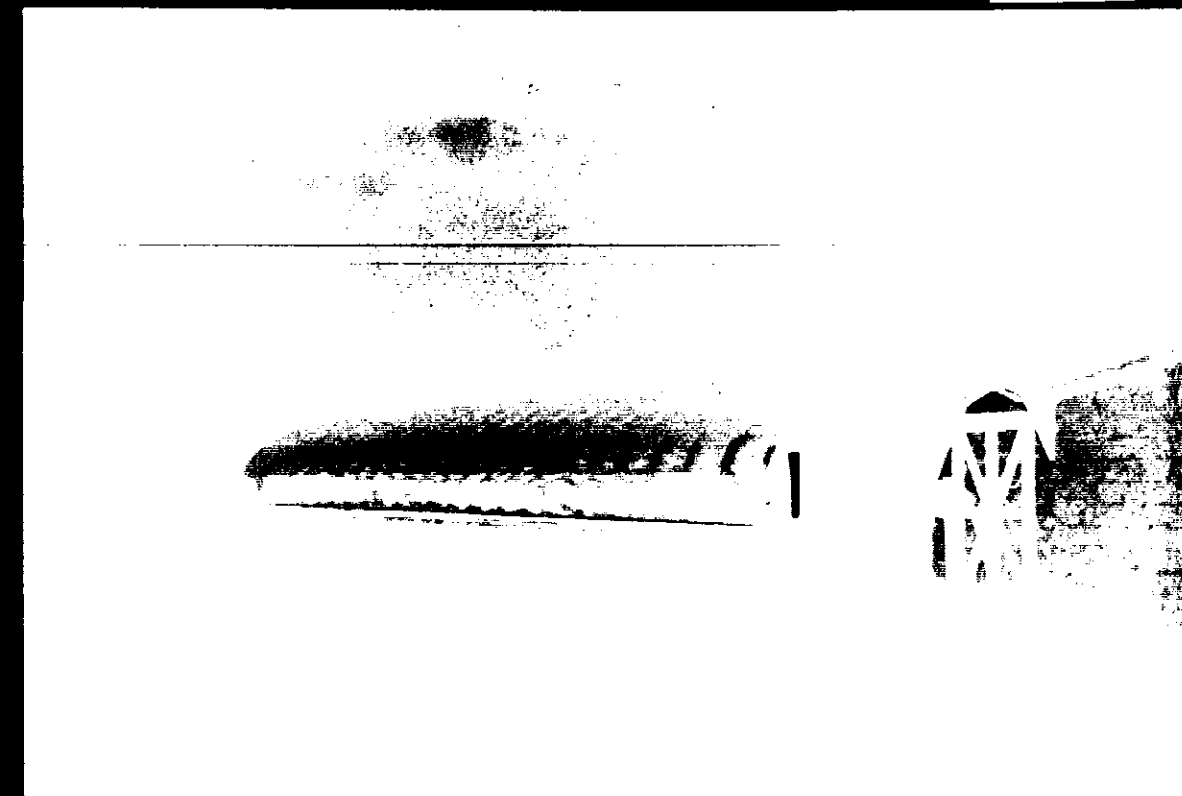
E. 4745 Ridge Rd. west 1



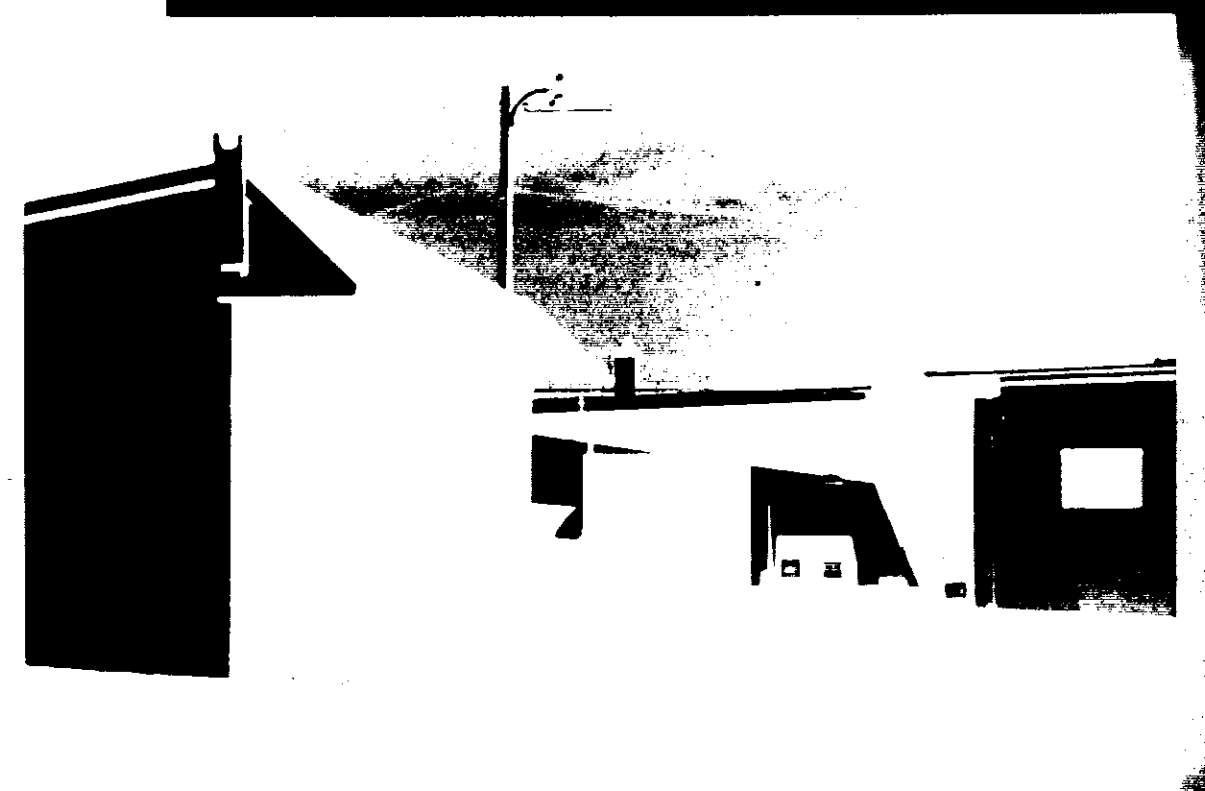
F. Rear of Seiferts from Pine Hill Blvd.



G. Parking Lot to W of Seiferts



H. Typical Greenhouses.



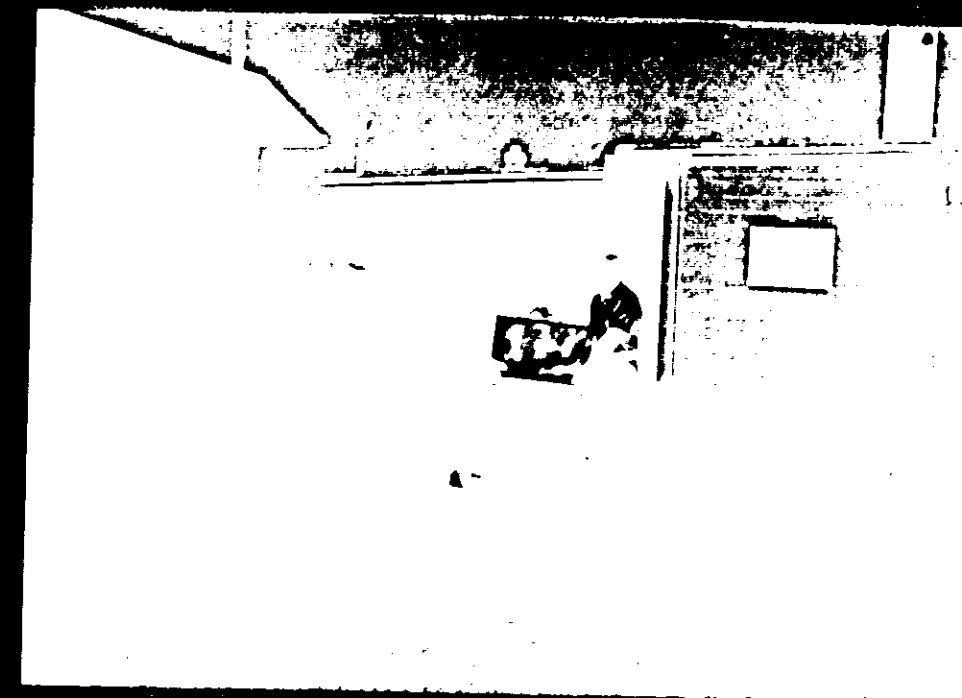
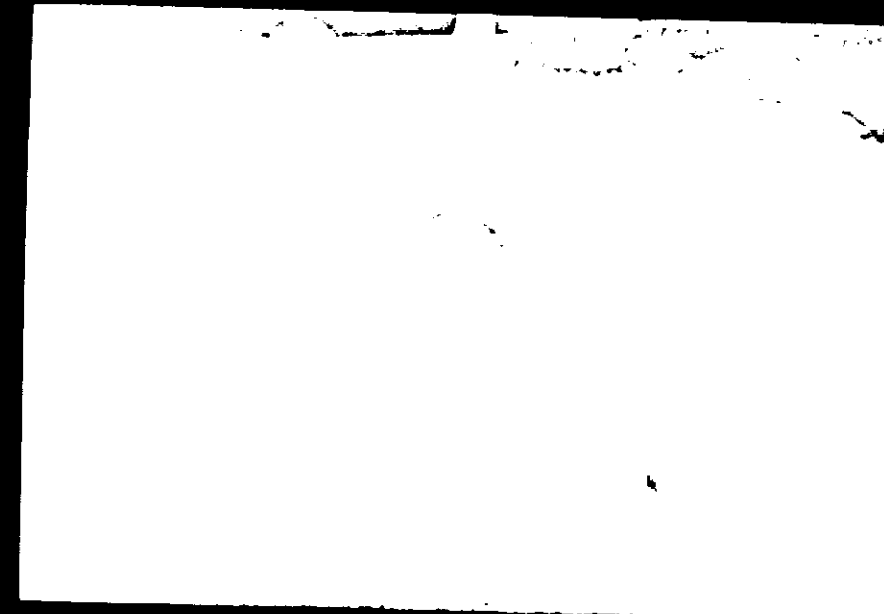
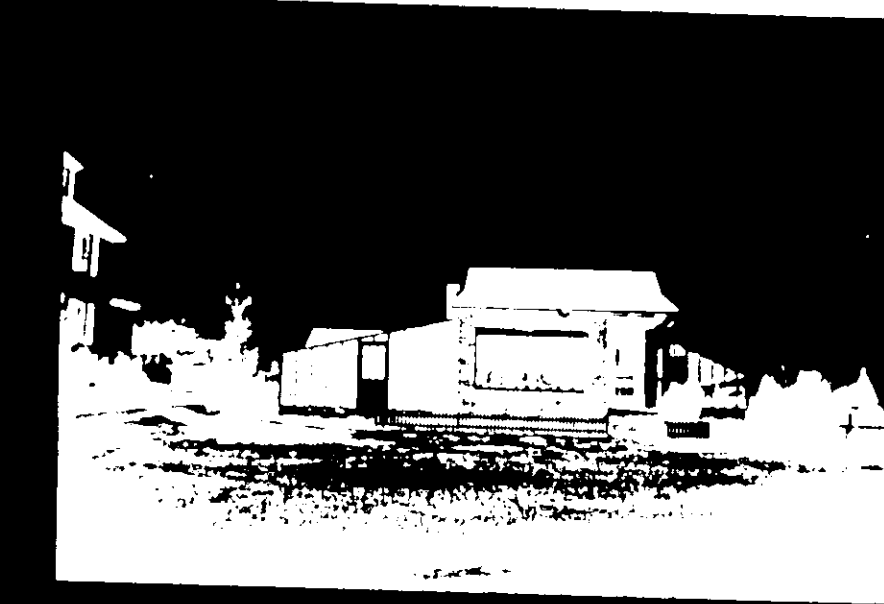
I. Garages in rear of Flourets Shop

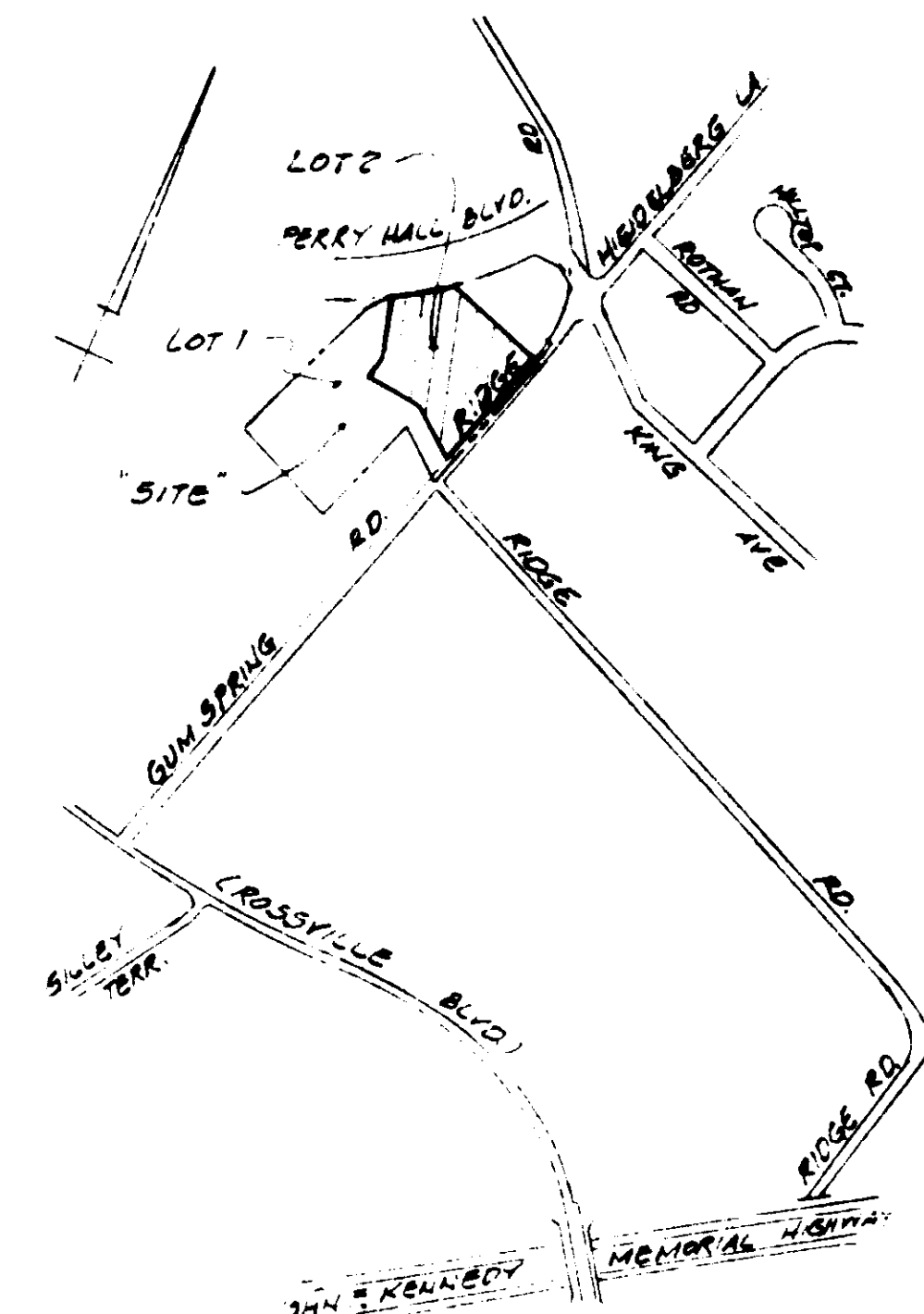


J. Storage Building (Rear)



Pet. #3





92-434-A⁴⁶⁴



4934 Bucks Schoolhouse Road
Baltimore, Maryland 21237

October 13, 1994

Mr. Arnold Jablon
Director IAM
County Office Building
Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Jablon:

Please review the following plat plan for a "greenhouse" extension outlined in red. This new addition totals 2160 square feet and has minor impact on the existing property. Variances on this property were granted under case / 97-434-A. I seek approval for this addition as being within the spirit and intent of this existing variance. The existing plat is modified and labeled. Therefore, I would like approval without another hearing process.

Speed
Letter

In the interest of speed and economy, we are sending to you this letter with no other action. If you need more information, please contact us at 410-326-7000.



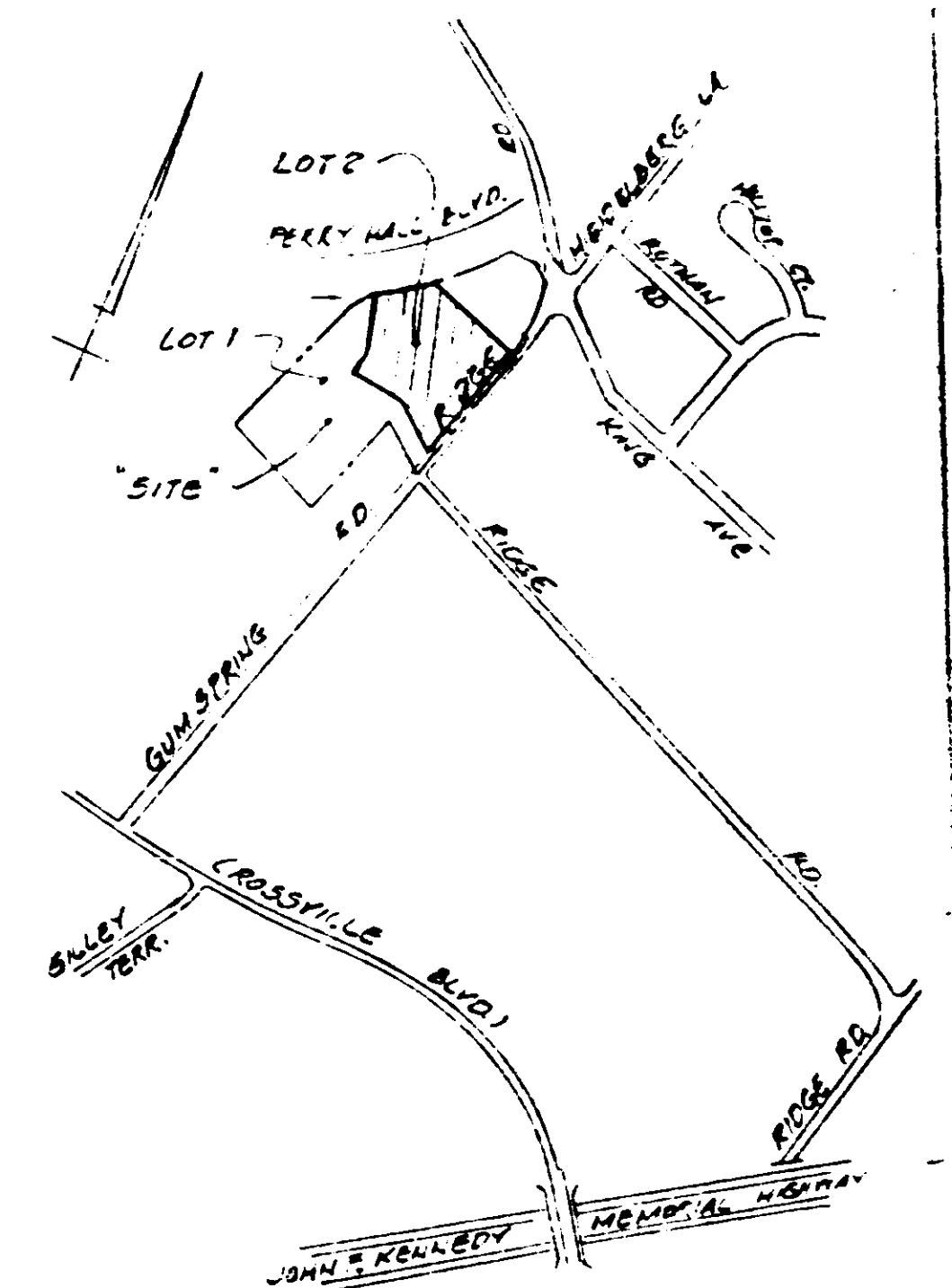
Sincerely,

[Signature]
Direct: J. Skenrode

October 19, 1994

This office has reviewed your request for a 2,160 square foot addition. It is this office's opinion that the 19 x 155 addition is within the spirit of the variance granted. Please keep this letter for your records.

[Signature]
Catherine A. Milton
Planner I



92-434-A⁴⁶⁴

Ref - #12 POLICE ENGINEERING, CO
304 N. FERRISMAN AVENUE
TOLSON, MARYLAND 20706



IN RE: PETITION FOR ZONING VARIANCES * BEFORE THE
W/S Ridge Road, 200 ft. south * DEPUTY ZONING COMMISSIONER
of center line of King Ave. *
4741-4745 Ridge Road * OF BALTIMORE COUNTY
Seifert's Florist *
14th Election District * Case No. 92-434-A
6th Councilmanic District *
Petitioner(s):
August J. and Elsie W. Seifert *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variances from Sections 102.2, 1B02.3.C.1 and Section V.B.2 of the Comprehensive Manual of Development Policy and Section 1B02.2B of the Baltimore County Zoning Regulations to permit a number of variances to legitimate an existing business, florist, greenhouse and residential operation as set out at the end hereof.

The proposed relief is very clearly shown on Petitioners' Exhibit 1, a plat by Paul Lee Engineering, Inc., dated March 17, 1992, offered in the course of the case.

The subject properties, known as 4741, 4743 and 4745 Ridge Road, are collectively known as the "Seifert's Florist Property." This property is located in the 6th Councilmanic District in the area north of Rossville Boulevard and west of I-95, between Ridge Road and Perry Hall Boulevard.

The Petitioners and legal owners, August J. Seifert and Elsie J. Seifert appeared at the hearing, and were represented by Newton A. Williams, Esquire. Mr. Paul Lee also appeared at

the hearing, and the Petitioners were represented by their children, namely, John Seifert, President of Seifert's Florist, the third generation in the business, and Mrs. Rose Pearson, a Seifert daughter, who resides on the property at 4745 Ridge Road. There were no protestants present.

The uncontradicted evidence and testimony presented at the Hearing was that the Petitioners own the subject property of approximately 8.74 acres, and that it includes the Seifert home at 4743 Ridge Road, the Pearson home at 4745 Ridge Road, and the Seifert Florist business known as 4741 Ridge Road.

The Seifert Property lies between Perry Hall Boulevard on the north, Ridge Road and Gum Spring Road on the southeast and other D.R.3.5 properties to the south.

According to testimony presented at the Hearing, the Seifert's have operated a florist and greenhouse operation on the property since 1900, and offered a series of photographs, Petitioners' Exhibit 2, showing the present improvements.

The origin and development of the property over the years was somewhat sketched in another series of photographs, collectively known as Petitioner's Exhibit 3 which was offered.

The property is presently in the CRG process, and according to Mr. Paul Lee, P.E., who testified, the object of the CRG process is to subdivide Lot 1, the 3.54 acres zoned D.R.3.5 to include the existing Rose Pearson residence, from a central commercial area known as Lot 2 of 3 acres (which includes 4743,

the Seifert dwelling, 4741 the existing florist shop, work area, garages, four greenhouses and an existing parking area and storage garage). Finally, Lot 3 of 1.14 acres, presently zoned D.R.3.5, is to be created at the tip formed by the junction of Perry Hall Boulevard and Ridge Road.

At the present time, according to the file, 1992 Map Request 6-45 is asking for commercial zoning recognition of Lots 2 and 3, and, of course, the outcome will not be known until the Council votes in October of 1992. In any case, this case concerns the requested variances, a part of the subdivision.

Mr. Lee and Mr. John Seifert testified that another Lot 2, a second division of the property was created for the Seifert ranch house at the southeast corner of the property in April of 1988, by Deed recorded among the Land Records at Liber 7831, folio 746, and this early subdivision requires a more formal CRG process for the remaining three lots.

It is evident to the Deputy Commissioner from the testimony presented at the Hearing, and from his own knowledge of the area, that the Seifert Florist complex is an attractive, well kept family business which has operated since 1900 for many years in this area.

It also appears that the florist shop at 4741 Ridge Road, the core of which was constructed prior to the institution of Zoning Regulations in 1945, cannot as a practical matter be

moved in order to obtain a greater setback from Ridge Road. However, although the plat, Petitioners' Exhibit 1 shows the corner of the existing florist shop to be only 8 feet off the highway widening line of Ridge Road, in fact, from the corner of the building to the existing edge of paving is on the order of 25 ft.

In like manner, the entire shop and greenhouses complex has developed over the years around the nucleus of the florist shop and work area, and it is not practical to move the greenhouses, storage buildings, existing garage and other buildings long existent on the site.

In the opinion of Deputy Commissioner it is not necessary to review in detail each of the numerous variances requested, but only to note that the purpose of these proceedings is to legitimate a long existent complex, and a complex which is well kept and a credit to the neighborhood.

Mr. Seifert testified that some 22 people are employed in the operation, many from the neighborhood, and that their five delivery trucks serve virtually the greater Baltimore, Baltimore County, Harford County and southern Anne Arundel County areas.

It is clear from the evidence presented that Lots 1, 2 and 3 cannot be created without the requested variances. Further, it should be noted that the creation of these three lots will not result in the construction of new buildings or dwellings,

but will merely legitimate the placement of the existing dwellings and buildings on the site.

An area variance or variances may be granted where strict application of the Zoning Regulations would cause practical difficulty to the Petitioners and their property. McLean v. Soley, 270 Md. 208(1973). To prove practical difficulty for area variances, the Petitioner's must meet the following:

1. Whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. Whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation then that applied for would give substantial relief;
3. Whether relief can be granted in such fashion that the spirit of the ordinance will be observed in public safety and welfare secured.

Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28.

From the testimony presented, it is clear that if the variances are granted, such existing uses, as long existent on the property, will not be contrary to the spirit of the Baltimore County Zoning Regulations, and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that a number of practical difficulties and unreasonable hardships would result if the variances were not to be granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structures which are the subject of the variances requested, and that the requirements from which the Petitioners seek relief will unduly restrict the existent use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not cause any injury to the public health, safety and general welfare. Further, granting of the variances will be in strict harmony with the spirit and intent of the Baltimore County Zoning Regulations. Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 31st day of August, 1992 that the following variances be and are hereby granted, subject however to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be

required to return any such permits granted, and be responsible for returning, said property to its original condition.

The variances hereby granted being the following from Sections 102.2, 1B02.3.C.1 and Section V.B.2 of the Comprehensive Manual of Development Policy and Section 1B02.2B of the Baltimore County Zoning Regulations, as follows:

1. Lot 3 (residential) to permit a front yard setback of 20 feet in lieu of the required 30 feet;
2. Lot 2 (existing nursery and residence) to permit an existing front yard setback (existing office) of 8 feet in lieu of required 50 feet, to permit a rear yard setback (existing barn) of 28 feet in lieu of required 30 feet, to permit a distance between buildings (existing office-rear yard 30 feet and existing garage-front yard 50 feet) of 20 feet in lieu of required 80 feet, to permit a distance between buildings (existing garage-side yard 20 feet and existing office-side yard 20 feet) of 15 feet in lieu of required 40 feet, to permit a distance between buildings (existing garage-front 50 feet and existing 2 1/2 story dwelling-rear yard 30 feet) of 52 feet in lieu of required 80 feet, to permit a distance between buildings (existing garage-rear yard 30 feet and existing greenhouse #1-front yard 50 feet) of 48 feet

in lieu of required 80 feet, to permit a distance between buildings (existing greenhouse #1-side yard 20 feet and existing greenhouse #2-side yard 20 feet) of 10 feet in lieu of required 40 feet, to permit a distance between buildings (existing greenhouse #2-side yard 20 feet and existing greenhouse #3-side yard 20 feet) of 34 feet in lieu of required 40 feet, to permit a distance between buildings (existing office greenhouse-rear yard 30 feet and existing greenhouse #3-front yard 50 feet) of 20 feet in lieu of required 80 feet; and to permit an accessory structure to be located in the front yard in lieu of the rear yard for existing shed on Lot #1.

Timothy M. Kotrocco
TIMOTHY M. KOTROCCO
Deputy Zoning Commissioner
for Baltimore County

1360C